



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/725,386	11/29/2000	Erin M. Bourke-Dunphy	MS160274.1	6575

27195 7590 10/15/2004

AMIN & TUROCY, LLP  
24TH FLOOR, NATIONAL CITY CENTER  
1900 EAST NINTH STREET  
CLEVELAND, OH 44114

EXAMINER

ROCHE, TRENTON J

ART UNIT

PAPER NUMBER

2124

DATE MAILED: 10/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/725,386	BOURKE-DUNPHY ET AL.
	Examiner	Art Unit
	Trent J Roche	2124

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 08 July 2004.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1,5-12 and 15-25 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1,5,12,15 and 22-25 is/are rejected.  
 7) Claim(s) 6-11 and 16-21 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 21 January 2004 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

## DETAILED ACTION

1. This office action is responsive to Amendment B filed 8 July 2004.
2. Per applicant's request, amended claims 1, 12, 24 and 25 have been entered. Claims 2-4 and 13-14 were previously canceled. Claims 1, 5-12 and 15-25 are pending.
3. Claims 1, 5-12 and 15-25 have been examined.

### *Drawings*

4. The drawings were received on 21 January 2004. These drawings are acceptable.

### *Response to Arguments*

5. Applicant's arguments, see pages 6 and 7 of the remarks, filed 8 July 2004, with respect to the rejection(s) of claim(s) 1, 12-14, 23 and 25 under 35 U.S.C. § 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of the amendments presented in Amendment B.

### *Claim Rejections - 35 USC § 102*

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an

application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1, 5, 12, 15 and 22-25 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,725,452 to Te'eni et al, hereinafter referred to as Te'eni.

**Regarding claim 1:**

Te'eni teaches:

- a system for planning installation of a plurality of application or service components (“the collection of components to be installed” in col. 3 lines 64-65)
- an interface component for entering desired system configuration information that includes information identifying selected components to be installed (“System upgrade information table 24 is created and maintained by the user via user interface...System upgrade information table...is intended to hold the list of components to be installed” in col. 4 lines 26-30)
- the interface component provides an installation procedure based on dependency requirements for a plurality of application or service components (“The system upgrade information table 24 has a list of actions to be done. The list of actions are built in the following form: ‘install 1024’ or ‘update 1057 to 1058.’” In col. 6 lines 51-53)
- a dependency engine that, in response to a determination that improper dependency exists based on the selected components, automatically adds necessary components to correct dependency (“establishing automatically an operatively correct combination of a set of components...through resolving inter-component dependency conflicts...” in col. 15 lines 45-48)

substantially as claimed.

**Regarding claim 5:**

The rejection of claim 1 is incorporated, and further, Te'eni discloses an order for installing the selected components as claimed ("a list such as 'install 1088, 1089, 1123'" in col. 6 line 60)

**Regarding claim 12:**

Te'eni teaches:

- a method for planning installation of a plurality of application or service components ("the collection of components to be installed" in col. 3 lines 64-65)
- selecting a plurality of service components to be installed utilizing a user interface ("System upgrade information table 24 is created and maintained by the user via user interface...System upgrade information table...is intended to hold the list of components to be installed" in col. 4 lines 26-30)
- determining an installation procedure based on dependency requirements for the selected components ("The system upgrade information table 24 has a list of actions to be done. The list of actions are built in the following form: 'install 1024' or 'update 1057 to 1058.' In col. 6 lines 51-53)
- adding each component necessary to ensure proper dependency between the selected components automatically when improper dependency exists based on the components selected ("establishing automatically an operatively correct combination of a set of components...through resolving inter-component dependency conflicts..." in col. 15 lines 45-48)

substantially as claimed.

**Regarding claim 15:**

The rejection of claim 12 is incorporated, and further, note the rejection regarding claim 5.

**Regarding claim 22:**

The rejection of claim 12 is incorporated, and further, Te'eni discloses printing the installation procedure as claimed ("The system upgrade information table 24 has a list of actions to be done.

The list of actions are built in the following form: 'install 1024' or 'update 1057 to 1058.' " In col. 6 lines 51-53. The installation procedure is printed into the information table.)

**Regarding claim 23:**

The rejection of claim 12 is incorporated, and further, Te'eni discloses a computer readable medium having computer executable instructions as claimed (Note Figure 1 and the corresponding sections of the disclosure.)

**Regarding claim 24:**

Te'eni teaches:

- a data packet adapted to be transmitted between at least two processes (Note at least Figure 1 and the corresponding sections of the disclosure. A data packet is inherently present in the system.)
- an interface component for entering desired system configuration information ("System upgrade information table 24 is created and maintained by the user via user

interface...System upgrade information table...is intended to hold the list of components to be installed" in col. 4 lines 26-30)

- the interface component providing an installation procedure based on dependency requirements for a plurality of application or service components ("The system upgrade information table 24 has a list of actions to be done. The list of actions are built in the following form: 'install 1024' or 'update 1057 to 1058.' In col. 6 lines 51-53)
- the configuration information includes information identifying selected components to be installed ("System upgrade information table 24 is created and maintained by the user via user interface...System upgrade information table...is intended to hold the list of components to be installed" in col. 4 lines 26-30)
- a dependency engine programmed to ensure proper dependency between selected components, wherein the dependency engine is programmable to automatically add each component necessary to ensure proper dependency in response to determining that improper dependency exists based on the selected components ("establishing automatically an operatively correct combination of a set of components...through resolving inter-component dependency conflicts..." in col. 15 lines 45-48)

substantially as claimed.

**Regarding claim 25:**

Te'eni teaches:

- a computer implemented system that facilitates installation of a plurality of application or service components ("the collection of components to be installed" in col. 3 lines 64-65)

- means for selecting a plurality of service components associated with a suite to be installed (“System upgrade information table 24 is created and maintained by the user via user interface...System upgrade information table...is intended to hold the list of components to be installed” in col. 4 lines 26-30)
- means for identifying dependency requirements for the plurality of application or service components, means for generating an installation procedure for the selected components based on the dependency requirements (“The system upgrade information table 24 has a list of actions to be done. The list of actions are built in the following form: ‘install 1024’ or ‘update 1057 to 1058.’” In col. 6 lines 51-53)
- means for automatically adding components to correct dependency of selected components (“establishing automatically an operatively correct combination of a set of components...through resolving inter-component dependency conflicts...” in col. 15 lines 45-48)

substantially as claimed.

#### *Allowable Subject Matter*

8. Claims 6-11 and 16-21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### *Conclusion*

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trent J Roche whose telephone number is (703)305-4627. The examiner can normally be reached on Monday - Friday, 9:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (703)305-9662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Trent J Roche  
Examiner  
Art Unit 2124

TJR



ANIL KHATRI  
PRIMARY EXAMINER